



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,991	04/03/2001	Deborah L. Pinard	PAT 392-2	6420
26123	7590	11/10/2003	EXAMINER	
BORDEN LADNER GERVAIS LLP WORLD EXCHANGE PLAZA 100 QUEEN STREET SUITE 1100 OTTAWA, ON K1P 1J9 CANADA			HOANG, PHUONG N	
		ART UNIT		PAPER NUMBER
		2126		S
DATE MAILED: 11/10/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/823,991	PINARD, DEBORAH L. <i>2</i>
	<b>Examiner</b>	<b>Art Unit</b>
	Phuong N. Hoang	2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 03 April 2001 .

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1 - 37 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1 - 37 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 03 April 2001 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_ .
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a)  The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_ .

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1 – 7, 10 – 15, 20, 21, 27, 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Pinard, US patent no. 5,638,494.**

**As to claim 10,** Pinard teaches a data-driven communication system, comprising:

a first layer agent (phones 133, col. 11 lines 35 – 40);

a second layer agent (user agents, col. 12 lines 1 – 3) having a first relationship to the first layer agent for establishing a first communication link therebetween in response to data provided to the first layer agent; and

a third layer agent (phone agent, col. 11 lines 58 – col. 12 line 5) having a second relationship to the second layer agent (user agents, col. 12 lines 1 – 3) for establishing a second communication link (communication path 132, col. 11 lines 35 – 40 and col. 13 lines 25 – 30) therebetween in response to data provided by the second layer agent.

**As to claim 11,** Pinard teaches the communication system of claim 10, wherein the first layer agent is a device agent (phones 133, col. 11 lines 35 – 40), the second layer agent is a node agent, and the third layer agent is a destination agent (phone agent, col. 11 lines 58 – col. 12 line 5).

**As to claim 12, 13,** Pinard teaches the communication system of claim 10, wherein policies (policies, col. 13 lines 40 – 45) define the first and second relationships.

**As to claim 14,** Pinard teaches the communication system of claim 10, wherein the first and second communication links form a communication path of a half call (send phone call, col. 12 lines 55 – 65).

**As to claim 15,** Pinard teaches the communication system of claim 14, further comprising at least one system feature for modifying the communication path (inherent when user dial different phone call).

**As to claim 20, 21,** Pinard teaches the communication system of claim 10, further comprising a database (database 103, col. 11 lines 20 – 54) having entries corresponding to the first, second and third layer agents.

**As to claim 27,** Pinard teaches the communication system of claim 15, wherein the at least one advanced programmable system feature is triggered by a tone given for a reason (trigger message, col. 8 lines 45 – 65).

**As to claim 34,** Pinard teaches the communication system of claim 15, wherein the at least one system feature is triggered by an event in a state (current states, col. 9 lines 1 – 10).

**As to claim 1,** see claim 10 above.

**As to claims 2 - 4,** see claim 11 – 13 above.

**As to claim 5**, Pinard teaches wherein associating at least one policy includes associating a branched policy chain (policies received from higher level agents, col. 7 lines 44 – 50).

**As to claim 6**, Pinard teaches the method of claim 4, wherein establishing the communication path includes providing system parameters to the at least one policy (parses an incoming received goal .... Include policing, col. 8 lines 25 – 30).

**As to claim 7**, Pinard teaches the method of claim 1, wherein establishing the communication path includes determining a system time (time, col. 13 lines 32 – 40).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 16 – 18, 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pinard, US patent no. 5,638,494 in view of Beck, US patent no. 6,381,640.**

**As to claim 16**, Pinard does not teach the communication system of claim 15, wherein the at least one system feature is an in-call feature.

Beck teaches wherein the at least one system feature is an in-call feature (conference, col. 39 lines 54 – 60).

It would have been obvious to apply the teaching of Beck to Pinard's system because it provides a flexible feature for phone system.

**As to claim 17, 18, 33,** Pinard does not teach system feature is a data modifying feature.

Beck teaches the communication system of claim 15, wherein the at least one system feature is a data modifying feature, an advanced programmable system (simultaneous communication between two or more agents, col. 39 lines 55 – 65).

It would have been obvious to apply the teaching of Beck to Pinard's system because it provides a flexible feature for phone system.

**Claims 8, 9, 19, 25, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pinard, US patent no. 5,638,494 in view of Lange, US patent no. 6,163,794.**

**As to claim 19,** Pinard does not explicitly teach the communication system of claim 10, wherein the first, second and third layer agents are implemented as objects.

Lange teaches the first, second and third layer agents are implemented as objects (object agent, col. 10).

It would have been obvious to apply the teaching of Pinard to Lange's system because it can implement using object-oriented programming language.

**As to claim 25, 26,** Pinard does not teach the communication system of claim 20, further including a user interface for entering changes to the database, for displaying

modifiable icons, representing agents and policies, and modifiable interconnections between them, for facilitating modification of the database.

Lange teaches a user interface is graphical user interface (Graphical User Interface 12, col. 6 lines 25 – 35).

It would have been obvious to apply the teaching of Lange to Pinard's system because GUI is the user-friendly system.

**As to claim 8, 9,** Pinard does not explicitly teaches the method of claim 1, wherein establishing the communication path includes determining a system date.

Lange teaches the method of claim 1, wherein establishing the communication path includes determining a system date, a day of week (date of call, col. 13 lines 1 – 10).

It would have been obvious to apply the teaching of Lange to Pinard's system because it can record when the communication took place.

**Claims 22 – 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pinard, US patent no. 5,638,494 in view of Theimer, US patent no. 5,611,050.**

**As to claim 22,** Pinard teaches the system having policies and database for storing data. Pinard does not teach wherein the database further comprises a table corresponding to the policies.

Theimer teaches wherein the database further comprises a table corresponding to the policies (policy database, col. 11 lines 35 – 45).

It would have been obvious to apply the teaching of Theimer to Pinard's system because the database should include all information of the system.

**As to claim 23, 24,** Pinard teaches the communication system of claim 22, including means for configuring the system through the database upon startup (the configuration program is responsible for downloading the goals stored in database 103 ..... start-up, col. 11 lines 40 – 50).

**Claims 28 – 32, 35 - 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pinard, US patent no. 5,638,494 in view of Kito, US patent no. 5,946,464.**

**As to claim 28,** Pinard does not teach the communication system of claim 27, further comprising a trigger table for determining which of the at least one advanced programmable system features is triggered.

Kito teaches a trigger table for determining which of the at least one advanced programmable system features is triggered (trigger database, col. 5 lines 30 – 60).

It would have been obvious to apply the teaching of Kito to Pinard's system because the information should be stored in third normalization.

**As to claim 29,** Pinard modified by Kito teaches the communication system of claim 28, wherein the trigger table (trigger database, col. 5 lines 30 – 60) points to a policy chain (the updating can be triggered by either side .... Base on policies, col. 8 lines 47 – 52).

**As to claim 30,** Pinard teaches the communication system of claim of claim 29, wherein the policy chain determines the advanced programmable system feature to be triggered (trigger database, col. 5 lines 30 – 60) points to a policy chain (the updating can be triggered by either side .... Base on policies, col. 8 lines 47 – 52).

**As to claim 31,** Pinard modified by Kito teaches the communication system of claim 10, wherein a trigger table is associated to an agent (Kito, trigger database, 253 of the individual agent, col. 5 lines 35 – 40).

**As to claim 32,** Pinard modified by Kito teaches the communication system of claim 20, wherein the database includes trigger tables (trigger database, col. 5 lines 30 – 60).

**As to claims 35 - 37,** see claims 28 – 30 above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong N. Hoang whose telephone number is (703) 605-4239. The examiner can normally be reached on Monday - Friday 9:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703)305-8498. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)746-7140.

Ph

October 31, 2003



JOHN FOLLANSBEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100